IN THE HIGH COURT OF JUDICATURE

ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE M.E.N.PATRUDU

WRIT PETITION NO :150 of 2006

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Dated: 4th January 2006.

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Between:

District Collector, Nizamabad and others

..... PETITIONERS

AND

Smt. Ch.Kalavathi

.....RESPONDENT

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE M.E.N.PATRUDU

W.P.NO.150 OF 2006

ORAL ORDER:

(Per the Hon'ble Sri Justice J.Chelameswar)

The respondents in O.A.No.2959 of 2001 are the petitioners herein. The sole respondent herein is the wife of one Ch.Narayana, who, while working as Village Administrative Officer, was killed by the Naxalites. Considering the distress of the family of the deceased Narayana, the respondent herein was appointed as an attender on 02-03-1995 in the Revenue Department. Almost about a decade later, it appears that somebody thought that the respondent is not entitled for the said appointment, as the relevant rules i.e., The A.P. Village Administrative Officers Service Rules 1990, enables the dependent members of the family of the deceased Village Administrative Officer to be appointed as Village Administrative Officer only, if one possess the required qualification and fulfills the other criteria of the appointment. Therefore, as the respondent was appointed as an attender, it was believed that Rule 12 of abovementioned Rules, was required to be relaxed and the same was sought from the 4th petitioner. The 4th petitioner, however, refused to relax the Rule, as a consequence of which, the respondent's service as attender was put an end to. Challenging the decision of the 4th petitioner, the respondent approached the Tribunal in O.A.No.2959 of 2001, which was allowed by the order under challenge in this writ petition.

The Tribunal by a cryptic order, allowed the O.A., on the ground that the fact that the respondent herein was permitted to work for ten long years, was not taken into consideration while passing the impugned order.

The order under challenge is not required to be interfered with in exercise of the extraordinary jurisdiction of the Court under Article 226 of the Constitution of India, for the reason that the decision of the 4th petitioner refusing to relax Rule-12 of

the Rules referred to earlier, appears to be wholly irrational in the background of the facts mentioned above.

We do not see any merits in the writ petition. The writ petition is accordingly, dismissed at the stage of admission. No costs.

J.Chelameswar, J

M.E.N.Patrudu, J

4th January 2006

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